1895-026 Chancery Causes: Alice Flanary & vs. Crab Orchard Coal & Iron Co] & Lee Co.

Arnett, Anderson, Larmer, Pennington, Stivers, Spurrier 1 Plat

CA-Estate Dispute
T-Property

To the Hon. Wm. T. Miller, Judge of the Circuit Court Of Lee County:-

Humbly Complaining, your oratrices, Mrs. Sarah Flanary, Mrs. Alice Flanary and Mrs. Emma Flanary, heirs at law of Elijah Pennington decd., would respectfully represent that heretofore, to-wit, on the ..... day of ..... 1882, the said Elijah Pennington departed this life intestate, seized and possessed of the reversion in fee of a large real estate, lying and being Lee County, in the Crab Orchard country and on Reed's creek; that this real estate is composed of two distinct and disconnected tracts of land, one lying adjoining the lands formerly owned by Thomas Cooney and is said to contain some 20 or 25 acres, and the other adjoining the lands of William Woodward and is said to contain some 300 or 350 acres, and on this latter tract the said Elijah lived at the time of his death; that on his death he left surviving him a wife, named Sarah, and seven children, and six grand-children as heirs at law; that a few months before his death he made, executed and delivered a deed to his wife, the said Sarah Pennington, to all his real estate for and during her natural life; that on the ..... day of ..... 189.... the said Sarah Pennington also departed this life; the names of the said seven children are W.M.Pennington, Edward Pennington, Mary Flanary, the wife of R.D.Flanary, Nancey Larmer, the wife of James Larmer, Martha Stivers, the wife of W.S.Stivers, Lutitia Spurrier, the wife of Solaman Spurrier, and one of your oratrices, the said Sarah Flanary, the wife of William Flanary decd.; that the names of the said grand-children which are heirs of the said Elijah are your complainants, the said Emma who is the wife of Elbert S. Flanary and the said Alice who is the wife of J.J.C.Flanary, and who were the daughters of the said Elijah's son, Abraham Pennington, and who was killed during the last war, and long before the said Elijah died; and also the four children of Nervesta Anderson, another daughter of the said Elijah, and who died before he died, and named George, Jennie, William and Robert..... ; that these four children are each infants and also non-residents of this State.

Your complainants will farther show unto your Honor, that the said W.M.& Edward Pennington, the said Mary Flanary, Martha Stivers and Lutitia

Spurrier ~~and Nancey Larmer~~ have each sold their respecive interests in the said lands, ~~the said Nancey to one Dr. L. P. Larmer of Missouri and the other five~~ to the Grab Orchard Coal & Iron Company, a corporation. So that only the said Company, ~~said Dr. Larmer~~ said Nancey Larmer, said infant children of the said Nervesta Anderson and your Complainants are now interested in the said lands.

Your complainants will farther represent unto your Honor that some time last Spring the said Company went upon the said 20 or 25 acre ~~tr~~ tract, without the knowledge or consent of either of the said persons interested in the same, and cut, sold and took away all the most valuable poplar timberthereon; this tract of land was only valuable for the timber on it, and the said Company owns other lands adjoining this small tract ~~of~~ of land. Said lands were never partitioned among those entitled thereto: but the same is cabable of being partitioned. Nor has the said Company accounted with either of the said co-owners of ~~sans~~ said land for any part of the timber taken therefrom, and it is now insolvent.

The premises considered, your complainants are advised that they have rights in the said land, which only a court of Chancery is capable of passing on, and that they are entitled to have the same partitioned the prayer therefore of your oratrices is that the said Grab Orchard Coal & Iron Company, ~~Dr.~~ Nancey Larmer, George Anderson, Jenie Smith (nee Jennie Anderson), William Anderson, Robert Anderson be made parties defendants to this bill of complaint, and that they be required to answer the same on oath; that a guardian ad litem be appointed for the said infant defendants to defend their rights herein; that an order of publication be made against the said infant defendants and the said Larmer; and that on a hearing of the said cause that the said lands be directed to be partitioned amongst the said parties before shown to have and interest therein, that if the same can be done that the said interests of the said complainants, Larmer and the said Anderson Children be assigned them adjoining to each other, and that since the said Company is insolvent that it be required to take the said 20 or 25 acre tract at what it would have been worth before the said

company took any timber therefrom; and that all other and general relief be granted your complainants as the nature of their cause and good conscience may require to have justice done them. And they will ever pray etc. May spa. issue etc.

Pennington Bros ..... p.o.

Alice Flanny et al -
vs. } Bill. in Eqy -
Cerobar Land Coal & I. Co

To the Hon/ W.T.Miller, Judge of the Circuit Court of Lee Co.

The separate answer of of George Anderson, William Andersn, Robert Anderson and Jennie Arnett, infants under the age of 21 years old, by Chas.H.Jones, their guardian ad litem, assigned to defend them in this suit, to a bill in chancery exhibited against them by Alice, Emma and Sarah Flanary:

The respondents reserving to themselves the benefit of all just exceptions to the said bill for answer thereto, or to so much thereof as they are advised that they should answer, by their said guardian ad litem answering say: that they are infants of tender years, and by reason of their infancy are incapable of understanding and taking care of their ~~interest~~ rights and interests in the said suit: They therefore by their said guardian, commend themselves and their rights to the protection of te Court, and pray that no decree may be pronounced that will be to their prejudice. And now having fully answered, the said respondents pray to be hence dismissed from this suit with their reasonable costs in this behalf expended. and they will ever pray etc.

Chas. H. Jones.

Guardian ad litem for

Geo. ANderson,

William Anderson,

Robert Anderson,

Jennie Arnett.

"Joseph Arnold,
Robert Anderson,
William Anderson,
Geo. Anderson,
Guardian ad litem for
Defendants.

"Your petitioners in this behalf respectfully represent that they are advised that they are not required to be parties to this suit which is brought for the purpose of enforcing a trust, and that they are in no way interested in the said trust, and have no claim upon the said property, and they are willing to be governed by the decree of the court in the premises. And now having fully answered the allegations of the said bill, they pray to be dismissed from this suit with their reasonable costs in this behalf expended, and they will ever pray.

Alice Flournoy et al
by their Solicitors
Geo. A. L. Lewis
Geo. Andrews & Co.

The separate answer of George Anderson, William Anderson, Robert Anderson and James Arnold, infants under the age of 21 years old, Chas. H. Jones, their guardian ad litem, respectfully

"Your defendants are advised that they are not required to be parties to this suit, and have no interest in the said property, and they are willing to be governed by the decree of the court in the premises. And now having fully answered the allegations of the said bill, they pray to be dismissed from this suit with their reasonable costs in this behalf expended.

Chas. H. Jones
Guardian ad litem

"Your defendants are advised that they are not required to be parties to this suit, and have no interest in the said property, and they are willing to be governed by the decree of the court in the premises. And now having fully answered the allegations of the said bill, they pray to be dismissed from this suit with their reasonable costs in this behalf expended.

Geo. Andrews
Geo. A. L. Lewis
Solicitors

To the Hon. W. T. Walter, Judge of the Circuit Court of Lee Co.

Separate answer of Alice Flournoy et al.

To defend when in this suit, to a bill in chancery exhibited against them by Alice Flournoy et al.

Robert Anderson and James Arnold, infants under the age of 21 years old, Chas. H. Jones, their guardian ad litem, respectfully

Alice Flanary et als. Complts.

vs. In Chancery.

Crab Orchard Coal & Iron Co/ Deft.

This cause came on again to be heard upon the papers formerly read therein and the report of Commissioners L.M.Carmical, C.L.Laningham and Wm.Woodward and plat filed therewith, filed in this cause on the 22nd/day of May, 1895, and to which report and plat there are no exceptions: On consideration of all which and for resons appearing to the Court, it is adjudged, ordered and decreed that said report and plat be and is hereby confirmed, and that Alice and Emma Flanary take and hold in fee-simple lot one of the land described in the report of the said commissioners, which is bounded as follows, to-wit, Beginning at a stake in the public road (with a small white-oak pointer three links to the south), a corner to lot No. 2, thence with said road N.1 1/2 E 5 poles, N.42 W. 9 3/4 poles, N.9 1/2 W.7 poles, 60 W.10 poles, 80 W. 11 1/2 poles, N.57 W. 7 poles to a stake on the north line of the original tract, and with the same N.85 3/4 W.47 poles to chestnut sapplings, original corner, thence continuing with original line, N.85 3/4 34 poles to a birch on Summer's creek, thence down t he same as its meanders S.6 1/2 E.26 poles, S.1 1/4 E.12 1/2 poles to a stake, corner to lot No.2, and with line of same N.78 1/2 E.127 poles to the Beginning, and containing 22 1/2 acres more or less; that Sarah Flanary take and hold in fee-simple lot No. 2 described in said report, and bounded as follows, to-wit: Beginning at a satke in the road, (said stake bears from a white-oak pointer N.25 E.16 links), thence with said road N.23 1/4 W.12 1/2 poles, N.1/2 E.10 poles to a stake, the beginning corner of lot No. one, S.78 1/2 W.127 poles to stake in Summer's creek, and with same, S.1 1/4 E.14 poles, S.25 1/2 E.12 poles, S 7 1/4 E. 11 poles to a stake, thence N.71 1/2 E/

130 poles to the Beginning, and containing 22 1/2 acres more or less; that George Anderson, William Anderson, Robert Anderson, and Jennie Arnett (nee Jennie Anderson) take and hold jointly in fee-simple lot number three and bounded as follows, to-wit: Beginning at a stake in the road about one pole north of of a rock quary, and west of a white-oak pointer marked, thence with said road N.23 1/4 W.22 1/2 poles, S.71 1/2 W.130 poles to a stake in Summer's creek and with same, S.7 1/4 W.12 poles to a birch corner to William Miller's land, thence leaving said creek and with the original line S.88 1/4 E. 54 poles to a white-oak, maple and sourwood on the top of a ridge, thence with the original line S.36 E.8 3/4 poles to a white-oak, thence N.62 E.84 poles to the beginning and containing 22 1/2 acres more or less; that Nancy Larmer take and hold in fee-simple lot number 4 and bounded as follows to-wit: Beginning at a stake in a road, corner to lot No. three, thence with line of same S.62 W/84 poles to a white-oak on the top of a ridge, thence with original line N.26 E.11 1/4 poles, S/10 E. 21 1/2 poles to a stake and a small sourwood, a corner said Craborchard Coal and Iron Company's land, (formerly Jas. Rutherford's) and with line of same N.82 E.52 poles to a beech marked "P", one pole south of a road, N.11 3/4 E.44 poles, 51 3/4 E.11 1/2 poles, thence with Road, N.28 3/4 W.12 poles to the Beginning, and contain 18 acres more or less and that the Craborchard Coal and Iron Company take and hold lots No. Five and six, and lot No. bounded as follws to-wit, Beginning at a beech marked "P" corner to lot No. four and to the Jas. Rutherford lands and with lines of the latter S.56 E.11 1/4 poles to a black-gum, S.29 3/4 E. 12 poles to a white-oak, 66 1/2 E. 16 1/4 poles to a white-oak, N.85 1/2 E. 14 poles to a chestnut-oak, 82 3/4 E.19 poles to a chestnut marked "K" S.53 #/4 E. poles to a chestnut-oak, N.89 E.12 1/4

to a black-gum,N.13 1/2 E.14 poles with Penley's line,N.16 3/4 E.19 2/3 poles,S.83 3/4 E.17 1/4 poles,N.52 1/2 E.9poles to a white-oak marked "D" and four hickories,Mrs. Ely's corner,and with lines of same and the top of ridge,N.13 W. W.24 poles to a white-oak marked "Q",N.24 3/4W.12 1/5 poles to a white oak,N.35 W.10 poles to a chestnut ,thence N.12 1/2 W.43 1/2 poles to large rock on the north side of the road, N.70 3/4 W.22 poles to a chestnut on the top of a spur,35 W/ 24 1/2 poles to a white oak,46 1/2 W/ 11 poles to a small blak black oak,thence leaving the top of said ridge and said Mrs. Ely's land and with original North line of tract,N.85 3/4 W. 86 poles to a stake,corner to lot No.one,and with line of same S.57 E.7 poles,S.80 E.11 1/2 poles,N.60 E.10 poles,S. 42 E.9 3/4 poles S.1/2 E. 15 poles,continuing with lines of lots No/ 2 and 3 and 4 S.23 1/4 E.35 poles,S.28 3/4 E.12 poles, S.11.1/2 W.44 poles to the beginning,containing 85 acres more or less and lot No. six bounded as follows,to-wit: Beginning at a buckeye in a branch,corner to William Woodward's land, thence with lines of same S.48 3/4 E. 32 poles to a poplar, S.30 3/4 E. 20 poles to a beech,S.4 1/2 E. 7 3/4 poles to a poplar and white-oak,S/29 1/2 W.17 1/5 poles to a maple and sourwood on the top of a spur,S.40 1/2 W.22 poles to service, S.57 1/2 E.10 poles to a chestnut on the top of a ridge and with the same and with west line of the original tract S.61 E.11 poles to a chestnut-oak,S.22 3/4 E.14 poles to a chestnut S.47 E.9 poles,S.43 E.12 poles to two chestnuts,S.46 1/2 E. 26 poles to a small double whit oak,S.67 1/4 E.17 poles,S.40 3/4 E.26 1/2 poles,S.12 1/2 W.21 poles to stake in the branch, thence with original south line S.82 1/2 E.21 3/4 poles to an iron wood,corner to the lands of the said defendants Crabor-chard Coal and Iron Co.,and with line of ~~said~~ same N.29 1/2 W.

204 [illegible] to a [illegible] on the M.C[illegible]
[illegible] S. 46 [illegible] 4 W. 14 1/4 [illegible] to the B[illegible], and contain
[illegible] and it is further [illegible], or [illegible]
[illegible] Alley and [illegible] Frame F[illegible] [illegible] of
[illegible] Street [illegible] of
[illegible] Nancy L[illegible]
[illegible] Geor[illegible] A[illegible] W[illegible] A[illegible]
Robert [illegible] A[illegible] J[illegible] A[illegible]
[illegible] Co[illegible] and [illegible]
Company pay fi[illegible]
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Alice Flemmington
vs } Decree final
Crab Orchard Coal
and Iron Co.

O.N.B.
Page 278

Entered this
June 5 1895.
W.F.M.

Recorded in Deed Book No 25
Pages 279

Alice Flanary Pltff
vs } In Chancery
Crab Orchard Coal & Iron Co Defts

This cause came on again this day to be heard upon the bill of the complainants; and answer of George Anderson William Anderson, Robert Anderson and Jennie Arnett by Chas H Jones their Guardian ad litem, and was argued by counsel. And it appearing that said cause has duly matured by acceptance of service of process by deft Nancy Larmer, and by order of publication duly made against the other defendants; it is adjudged, ordered, and decreed, that L M Carmical Charles L Landingham and Wm Woodward who are hereby appointed Commissioners for the purpose, do go upon the lands in the bill and proceeding mentioned and partition, and allot the same by assigning by assigning a one ninth interest in the whole of said land adjoining to each other out of the larger tract if the same can be done without prejudicing the rights of others to Alice and Emma Flanary jointly a 1/9 share to said Nancy Larmer a 1/9 share, and a 1/9 share to Sarah Flanary, and to the said Anderson Children a 1/9 share jointly

and the residue of said lands they shall allot and assign to the said Crab Orchard Coal & Iron Co; In making this partition said comrs will value the smaller tract of land as if it had the poplar timber standing thereon and will according to that value so assign the same to the said deft Company as a part of its interest in said lands, and they will report their action to court to which time this cause is continued;

A Copy

Teste A B Murray Clerk

Alice Flanary
vs
Copy of Decree
Crab Orchard Coal & Iron

Executed January
the 17 1 [illegible]
[illegible]
Copy
To Wm Woodward
[illegible]
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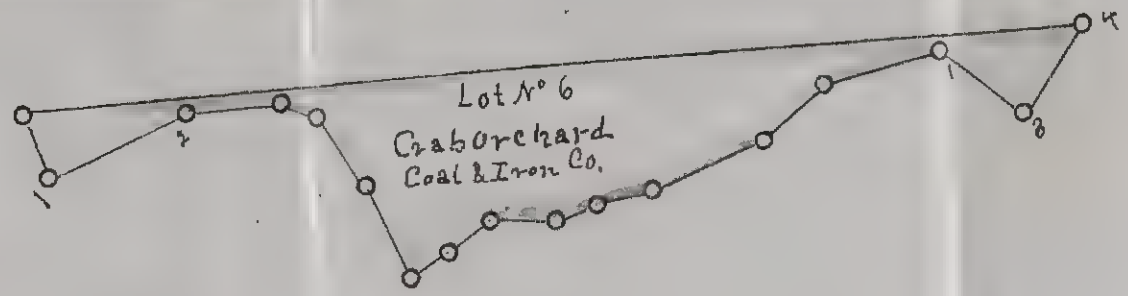

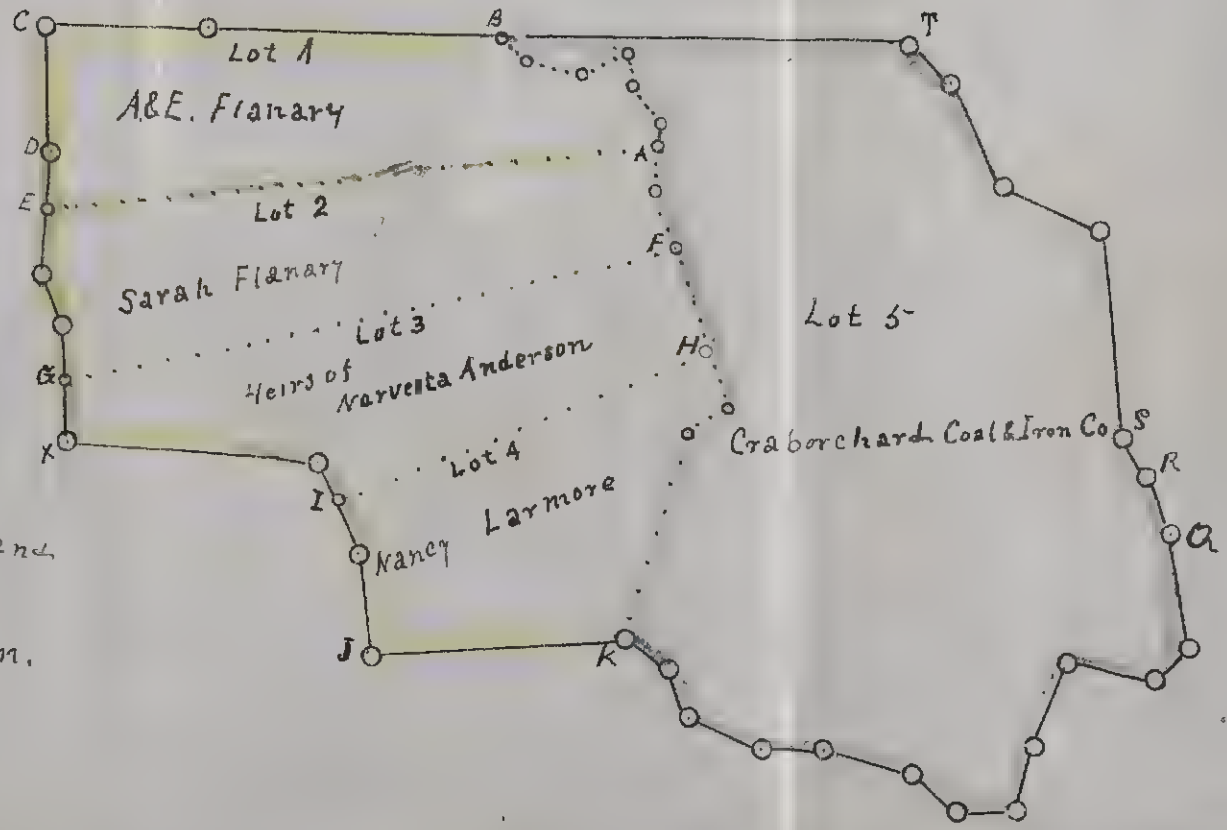

Partition of
Elida Pennington Land
By
L. M. Carnical
C. L. Laningham
Wm Woodward
Comm.
1895

Alice Flanary et al ~~Dfts~~ Complts.
vs. } In Chancery.
Jerab Orchard Coal & Iron Co. et al Dfts.

This cause came on this day to be heard upon the bill of the Complainants, and answer of George Anderson, William Anderson, Robert Anderson and Jennie Arnett by Chas. H. Jones their guardian ad litem, and was argued by Counsel. And it appearing that said cause has duly matured, by acceptance of service of process by Deft. Nancy Farmer, and by order of publication duly made against the other defendants, it is adjudged, ordered and decreed that L. M. Carmichael, Charles L. Cunningham and Wm. Woodward who are hereby appointed Commissioners for the purpose, do go upon the lands in the bill and proceedings mentioned and partition and allot the same, by assigning a one-ninth interest in the whole of said lands adjoining to each other out of the larger tract, if the same can be done with prejudicing the rights of other, to the said Complainants Alice and Fleming Flanary jointly a 1/9 share, to said Nancy Farmer a

and a ~~[illegible]~~ 1/9 share to Sarah Flavaris
1/9 share, and to the said Anderson
children a 1/9 share, jointly, and the
residue of said lands they
shall allot and assign
to the said Great Orchard
Coal and Iron Company. In
making this partition said Comrs.
will value the said smaller
tract of land as if it had the
poplar timber standing thereon
and will according to that val-
ue so assign the same to the
said Orch. Company as a part
of its interest in said land. And
they will report their action to
Court, to which time this cause
is continued.

Alice Glanaryital

vs } Decree No 1

Jerab Orchard & Coal Tar
Lot that

Copied in Chancery
Order Book
Page No 74

Entered this
Nov. 13 1894
W. Dill

Alice Flanary — Pltff
vs
Robochard Coal & Iron Co. Defts } In Chancery

Pursuant to an order in the above styled cause We the undersigned Commissioners L. M. Cammical, Charles L. Cunningham and Wm. Woodward appointed in said decree of the Circuit Court of Bu Co. to partition the lands of Elijah Remington dec'd have complied therewith according to the following plat and report. We found said lands composed of two seperate tracts containing 171 and 22 acres.

We have laid off and assigned to Alice Flanary and Emma Flanary jointly Lot No 1 which we consider equal in value to one moiety of the two parcels of land partitioned and is bounded as follows — Beginning at (A) a stake in public road (with a small white oak pointer three links to the south) a corner to Lot No 2 thence with said road N 1 ½ E 5 poles N 72 W 2¾ poles N 9½ W 7 poles S 60 W 10 poles N 80 W 11½ poles N 57 W 7 poles to a stake on the north line of the original tract and with the same N 85¾ W 47 poles to chestnut sapling original corner thence continuing with original line N 85¾ W 34 poles to a birch on Sumers creek thence down the same as it meanders S 6½ E 26 poles S 1½ E 12½ poles to a stake corner to Lot No 2 and with line of same N 78½ E 127 poles to the beginning containing 22½ acres be the same more or less. See A. B. C. D E.

We have laid off and assigned to to Sarah Remington Lot No 2 which we consider equal in value to one moiety the whole and is bounded as follows Beginning at (F) a stake in road (said stake bears from a white oak pointer

N 25 E 16 links) thence with road N 23¼ W 12½ poles
N ½ E 10 poles to (A) a stake the beginning Corner of Lot
No 1 S 78½ W 127 poles to a stake in Summers' Creek
and with the same S 1¼ E 14 poles S 25½ E 12 poles
S 7¼ E 11 poles to (G) a stake Thence N 7½ E 130 poles
to the beginning Containing 22½ Acres More
or less. See Fig F.A.E.G.

We have laid off and assigned to George Jennie
Wm. and Robert Anderson the children of
Nerveta Anderson Lot No 3 which we believe
to be equal in value to one-ninth the whole and
bounded as follows - Beginning at (H) a
stake in road about one pole North of a
rock-quarry and west of a white-oak pointer
Thence with said road N 23¼ W 22½ poles
S 7¼ W 130 poles to a stake in Summers Creek
and with the same S 7¼ W 12 poles to (x) a birch
Corner to William Sullivans land thence leaving
said Creek and with the original line S 88¼ E
54 poles to a white-oak maple and sourwood
on the top of a ridge thence with original line
S 36 E 8¾ poles to a white-oak thence N 62 E
84 poles to the beginning Containing 22½ acres
more or less See Fig H.F.G.X.I.

We have laid off to Nancy Larmer Lot No
4 which we believe to be equal in value to
one-ninth the whole bounds Beginning at
(H) a stake in road Corner to Lot No 3 thence
with line of same S 62 W 84 poles to (I) a
white-oak on top of a ridge thence with
original line N 26 E 11¼ poles S 10 E 21¼ poles
to a stake and small sourwood a Corner

to said Crabchard Coal & Iron Co's land (formerly James Pelhefords) and with line of same N 82 E 52 poles to a beech (Marked P) one pole south of road N 11¾ E 44 poles N 5¾ E 11½ poles thence with road N 28¾ W 12 to the beginning Containing 18 acres More or Less See Fig H.I.J.K

We have laid off and Assigned the remaining parts of said lands to the Crabchard Coal & Iron Co and this we believe to be equal in value taking in consideration the poplar timber as it stood on the 22 acre tract to five rents of all the lands bartitioned - Lot No 5 is bounded as follows Beginning at (K) a beech (marked P) corner to Lot No 4 and to the James Pelefords lands and with lines of the latter S 56 E 14 poles to a black gum S 29¾ E 12 po. to a white oak S 66½ E 16¼ poles to a white oak N 85½ E 4 po to a chestnut oak S 82¼ E 19 po to a chestnut (Marked (F)) S 53¾ E 12¼ po to a chestnut oak N 89 E 12¼ po to a black gum (E) N 13½ E 14 po with Perlys line N 16¾ E 19⅔ po S 83¾ E 17¼ po N 52½ E 9 po to a white oak (marked (D)) and four hickorys (Mrs Elys Corner) and with lines of same and the top of a ridge N 13 W 24 poles to a white oak (Marked (Q)) N 24¾ W 12½ po to a white oak (marked (2)) N 35 W 10 po to a chestnut (Smash) thence N 2½ W 4½ poles to a large rock on the North side of road N 70¾ W 22 poles to a chestnut (Marked B) on the top of a spur N 33 W 2½ poles to a white oak (Marked C) N 46½ W 4 po to a small black oak thence leaving top of ridge and said Mrs Susan Elys land and with original North line of tract S 85¾ W 86 poles to (B) a stake Corner to Lot No 1 and with lines of same S 57 E 51 poles S 80 E 11½ po N 60 E 10 po S 9½ E 7 po S 42 E 9¾ po

S½E 15 poles - Continuing with lines of Lots No 2, 3 and 4 S 23¾ E 35 po S 28¾ E 12 poles S 5¼ W 11½ po S 11½ E 5 + 4 poles to the beginning - Containing 85 acres More or less. Lot

Lot No 6 is bounded as follows Beginning at a buckeye in a branch (Corner to Wm Woodward land) thence with lines of same S 48¾ E 32 po to a poplar S 30¾ E 20 po to a beech S 4½ E 7¾ po to a poplar and white oak S 29½ W 17½ po to a Maple and sourwood on the top of a spur S 40½ W 22 po to a service S 5½ E 10 po to a chestnut on top of a ridge and with the same and with West line of original tract S 6 E 11 po to a chestnut oak S 22¾ E 14 po to a chestnut S 47 E 9 po S 43 E 12 po to two Chestnuts S 46½ E 26 po to a small double white oak S 67¼ E 17 po S 40¾ E 26½ po S 12½ W 21 poles to a stake in a branch thence with original South line S 82½ E 21¾ po to an Ironwood Corner to the lands of Sand Crab Orchard Coal & Iron Co and with line of same N 29¼ W 204 poles to a chestnut oak on the McCredie line and with the same S 46¾ W 14¼ po to the beginning Containing 22 acres More or less. And in making this partition we have had due regard to fairness quality & timber &c

April 1895. Respect Submitted

R M Carnical
C L Lewis } Commissioners
Wm Woodward

Alice Flannery et al
vs
Comrs Report
Sand Crab Orchard C & I Co
Filed May 22nd 1895
A B Murphy Clk

Bill of Court & Commissioners Surveyor $2.17
C L Lewis 6 days
Wm Woodward 6 days

In the Clerk's Office of the Circuit Court of the County of Lee on the 13th day of September 1894.

Alice Flanary, Emma Flanary and Sarah Flanary Plaintiffs

against

Crab Orchard Coal & Iron Company, Jennie Arnett (nee Anderson) William Anderson, George Anderson, Robert Anderson & Dr S P Larmer Defendants

In Chancery

The object of this suit is to partition the lands belonging to the heirs of Elijah Pennington deceased and their assigns

And an affidavit having been made and filed that the defendant Jennie Arnett (nee Anderson) William Anderson, George Anderson Robert Anderson & Dr. S P Larmer are not residents of the State of Virginia, it is ordered that they do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect their interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the South West Virginian, and that a copy be posted at the front door of the court-house of this County on the first day of the next term of the County Court.

A copy—Teste:

Pennington Bros p. q. A B Munsey Clerk.

Alice Flanary et al

VS. { ORDER OF PUBLICATION.

Crab Orchard Coal & Co

I A B Munsey Clerk of the circuit Court for Lee County do certify that I delivered a copy of the with in order to Wm Eads Editor of the South west Virginian for publication and that I posted a copy at the front door of the court house on the 1st day of the October term of the County court

Given under my hand this the 11th day of Oct 1894

A B Munsey Clerk

The "SOUTHWEST VIRGINIAN" Book and Job Print, Jonesville, Va.

The Commonwealth of Virginia,

To the ~~Sheriff of the County of Lee~~ Seargent of the City of Bristol---Greeting:

WE COMMAND YOU, That you summon The Crab Orchard Coal & Iron Company a corporation, Jennie Arnett Nee Anderson Wm Anderson George Anderson Robert Anderson &, ~~J. P.~~ Nancy Larmer

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said Court on the 1st Monday in October, 1894, to answer a bill in Chancery, exhibited against It in our said court by Alice Flanary Erna Flanary and Sarah Flanary Complainants

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the 21st day of August 1894 and in the 119th year of the Commonwealth.

A. B. Munsey Clerk.

Alice Flanagan et al

vs. { SUPŒNA IN CHANCERY.

Crab Orchard Coal & Iron Co

P. Bros p. q.

To 1st October Rules, Circuit Court.

I, M. M. Butler, President of the Crab Orchard Coal & Iron Co. accept service of the within summons for the said Company this August — 1874.

M M Butler
Pres. C. O. C. & I. Co

I accept legal service of the within for the defendant Nancy Lanier. This Oct 31/74

W. H. Pennington
atty.

Pltffs Costs
C 6.07 Paid
S 1.80
atty 15.00
G & L 5.00
Comrs 34.17
Tax 1.50
Printer 6.60
69.84

Alice Flanary et al
vs } Bill
Crab Orchard Coal & Iron Co

Pennington Bros Jts.

1894 2nd Sept Rules bill filed & order of Publication for non Resident Deftts
" 1st Oct Rules Sum accepted by M. M. Butler President of the Crab Orchard Coal & Iron Co. Defendt waives issue & Contd as to non Residents for ord Pub & Compl
2nd Oct Rules Leave Misi Comp as to the Va Coal & Iron Company & Contd as to other Deftts
1st Nov Rules Ord Pub Compl & Cause set for hearing by Pltff